



General Assembly

January Session, 2009

***Raised Bill No. 6659***

LCO No. 4555

\*04555\_\_\_\_\_ENV\*

Referred to Committee on Environment

Introduced by:  
(ENV)

***AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS'  
RECOMMENDATIONS FOR TECHNICAL REVISIONS TO THE  
ENVIRONMENT STATUTES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22-26gg of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 The commissioner shall, in consultation with the Farmland  
4 Preservation Advisory Board established under section 22-26ll, adopt,  
5 in accordance with chapter 54, such regulations as the commissioner  
6 deems necessary to carry out the purposes of this chapter. Such  
7 regulations shall provide that individual landowners applying for  
8 [such] the farmland preservation program established pursuant to  
9 section 22-26cc shall be eligible to receive not more than twenty  
10 thousand dollars per acre for development rights, and the schedule of  
11 the state's contribution for joint ownership projects initiated by  
12 municipalities shall be increased accordingly.

13 Sec. 2. Subsection (a) of section 22-26nn of the general statutes is  
14 repealed and the following is substituted in lieu thereof (*Effective from*

15 *passage*):

16 (a) The Commissioner of Agriculture may establish a community  
 17 farms program for the preservation of farmland that does not meet the  
 18 criteria of the farmland preservation program established pursuant to  
 19 section 22-26cc for reasons of size, soil quality or location but that may  
 20 contribute to local economic activity through agricultural production.  
 21 The commissioner may purchase up to one hundred per cent of the  
 22 value of development rights directly from an eligible owner, or may  
 23 acquire development rights on qualifying farmland jointly with a  
 24 municipality, subject to [the] any appraisal and review required by the  
 25 [regulations adopted pursuant to this section] commissioner. For the  
 26 purposes of this section, "development rights" and "owner" [shall] have  
 27 the same meaning as in section 22-26bb.

28 Sec. 3. Subsection (b) of section 22a-27s of the general statutes is  
 29 repealed and the following is substituted in lieu thereof (*Effective from*  
 30 *passage*):

31 (b) All initial appointments to the committee shall be made not later  
 32 than September 1, 2008. The term of each appointed member of the  
 33 steering committee shall be coterminous with the term of the  
 34 appointing authority or until a successor is chosen, whichever is later.  
 35 The Commissioner of Environmental Protection shall serve as the  
 36 chairperson of the committee for the two years following the  
 37 appointment of the committee, followed first by the Commissioner of  
 38 Agriculture for two years and subsequently by the executive director  
 39 of the Connecticut Commission on Culture and Tourism for two years  
 40 and subsequently by the Commissioner of Economic and Community  
 41 Development or said commissioner's designee for two years. Such  
 42 rotation shall repeat every two years thereafter in the order specified in  
 43 this subsection, except that if there is a vacancy in one of [said] such  
 44 positions, one of the other commissioners or the executive director  
 45 may serve as chairperson until the vacancy is filled.

46 Sec. 4. Subsection (e) of section 22a-63 of the general statutes is

47 repealed and the following is substituted in lieu thereof (*Effective from*  
48 *passage*):

49 (e) Any person who violates any provision of this chapter [.] or  
50 section 10-231b, 10-231c or 10-231d, may be assessed a civil penalty of  
51 not more than two thousand five hundred dollars per day for each day  
52 such violation continues. The Attorney General, upon complaint of the  
53 commissioner, shall institute a civil action to recover such penalty in  
54 the superior court for the judicial district of Hartford. All actions  
55 brought by the Attorney General shall have precedence in the order of  
56 trial as provided in section 52-191.

57 Sec. 5. Section 22a-133dd of the general statutes is repealed and the  
58 following is substituted in lieu thereof (*Effective from passage*):

59 (a) Any agent of a municipality or any licensed environmental  
60 professional employed or retained by a municipality may enter,  
61 without liability to any person other than the Commissioner of  
62 Environmental Protection, upon any property within such  
63 municipality for the purpose of performing an environmental site  
64 assessment or investigation on behalf of the municipality if: (1) The  
65 owner of such property cannot be located; (2) such property is  
66 encumbered by a lien for taxes due such municipality; (3) [upon a  
67 filing of] a notice of eminent domain has been filed; (4) the  
68 municipality's legislative body finds that such investigation is in the  
69 public interest to determine if the property is underutilized or should  
70 be included in any undertaking of development, redevelopment or  
71 remediation pursuant to this chapter or chapter 130, 132 or 581; or (5)  
72 any official of the municipality reasonably finds such investigation  
73 necessary to determine if such property presents a risk to the safety,  
74 health or welfare of the public or a risk to the environment. The  
75 municipality shall give at least forty-five days' notice of such entry  
76 before the first such entry by certified mail to the property owner's last  
77 known address of record.

78 (b) [A] An agent of a municipality accessing or entering a property

79 to perform an investigation pursuant to this section shall not incur any  
80 liability pursuant to section 22a-432 for any preexisting contamination  
81 or pollution on such property, provided [, however,] a municipality  
82 may be liable for any pollution or contamination resulting from a  
83 negligent or reckless investigation.

84 (c) The owner of the property may object to such access and entry  
85 by the agent of the municipality by filing an action in the Superior  
86 Court not later than thirty days after receipt of the notice provided  
87 pursuant to subsection (a) of this section, provided any objection shall  
88 be limited to the owner affirmatively representing that [it] the owner is  
89 diligently investigating the site in a timely manner and that any  
90 municipal taxes owed will be paid in full.

91 Sec. 6. Subsection (b) of section 22a-174 of the general statutes is  
92 repealed and the following is substituted in lieu thereof (*Effective from*  
93 *passage*):

94 (b) The commissioner shall have the power to (1) enter into  
95 contracts with technical consultants, including, but not limited to,  
96 nonprofit corporations created for the purpose of facilitating the state's  
97 implementation of multistate air pollution control programs, for  
98 special studies, advice and assistance; [to] (2) consult with and advise  
99 and exchange information with other departments or agencies of the  
100 state; and [(2)] (3) serve on the board of directors of a nonprofit  
101 corporation, including, but not limited to, a nonprofit corporation  
102 created for the purpose of facilitating the state's implementation of  
103 multistate air pollution control programs.

104 Sec. 7. Subsection (b) of section 22a-430b of the general statutes is  
105 repealed and the following is substituted in lieu thereof (*Effective from*  
106 *passage*):

107 (b) Notwithstanding the provisions of chapter 54, a general permit  
108 shall be issued, renewed, modified, revoked or suspended in  
109 accordance with the standards and procedures specified for an

110 individual permit, in accordance with section 22a-430, as amended by  
 111 this act, and any regulations adopted thereunder, except that (1)  
 112 summary suspension may be ordered in accordance with subsection  
 113 (c) of section 4-182; (2) any proposed or final general permit and notice  
 114 thereof may address persons or municipalities which are or may be  
 115 covered by the general permit as a group, describe the facilities which  
 116 are or may be covered by the general permit in general terms; and (3)  
 117 upon issuance of a proposed or final general permit, the commissioner  
 118 shall publish notice thereof in a newspaper of substantial circulation in  
 119 the affected area. General permits shall be issued for a term specified  
 120 by the permit and such terms shall be consistent with the federal Water  
 121 Pollution Control Act and shall be subject to the provisions of section  
 122 22a-431. Such permits shall: [(1)] (A) Describe the category of discharge  
 123 regulated by the general permit; [(2)] (B) specify the manner, nature  
 124 and volume of discharge; [(3)] (C) require proper operation and  
 125 maintenance of any pollution abatement facility required by such  
 126 permit; and [(4)] (D) be subject to such other requirements and  
 127 restriction as the commissioner deems necessary to fully comply with  
 128 the purposes of this chapter, the federal Water Pollution Control Act  
 129 and the federal Safe Drinking Water Act. Any construction or  
 130 modification of a pollution abatement facility or disposal system which  
 131 is undertaken pursuant to and in accordance with a general permit  
 132 shall not require submission of plans and specifications to or approval  
 133 by the commissioner, unless required pursuant to the terms of the  
 134 general permit.

135 Sec. 8. Section 22a-439 of the general statutes is repealed and the  
 136 following is substituted in lieu thereof (*Effective from passage*):

137 (a) For the purposes of this section, "sewers" means (1) lateral or  
 138 collector sewers required to abate pollution; and (2) after October 1,  
 139 1979, sanitary and storm sewers required to serve primarily industrial  
 140 areas or outfall sewers required to convey to an acceptable point of  
 141 discharge the wastewater and cooling water which, prior to October 1,  
 142 1979, had been discharged from manufacturing firms to sanitary

143 sewers.

144 [(a)] (b) The commissioner shall make a grant to any municipality  
 145 which, after May 1, 1967, constructs, rebuilds, expands or acquires a  
 146 pollution abatement facility and the commissioner may make a grant  
 147 to any municipality which, after June 30, 1975, prepares an engineering  
 148 report or plans and specifications or which constructs, rebuilds,  
 149 expands, or acquires sewers. [For the purposes of this section, "sewers"  
 150 means (A) lateral or collector sewers required to abate pollution and  
 151 (B) after October 1, 1979, sanitary and storm sewers required to serve  
 152 primarily industrial areas or outfall sewers required to convey to an  
 153 acceptable point of discharge that wastewater and cooling water  
 154 which, prior to October 1, 1979, had been discharged from  
 155 manufacturing firms to sanitary sewers.] In the case of a municipality  
 156 which, on [said date] October 1, 1979, is in the process of constructing,  
 157 rebuilding, expanding or acquiring such a facility, such grant shall  
 158 apply only to that part of the facility constructed, rebuilt, expanded or  
 159 acquired after said date.

160 (c) The grants under this section shall be subject to the following  
 161 conditions: (1) No grant shall be made for any report, plans and  
 162 specifications for sewers or a pollution abatement facility except where  
 163 such report, plans and specifications for sewers or a pollution  
 164 abatement facility are in accordance with a time schedule of the  
 165 commissioner, and subject to such requirements as the commissioner  
 166 shall impose. If the commissioner requires that the report, plans, and  
 167 specifications for sewers or a pollution abatement facility be approved  
 168 by the federal Environmental Protection Agency any grant shall be  
 169 conditioned upon the municipality complying with all of the  
 170 requirements of said agency; (2) no grant shall be made until the  
 171 municipality has agreed to pay that part of the total cost which is in  
 172 excess of the applicable state and federal grants; (3) except as otherwise  
 173 provided in this section the grant to each municipality shall equal  
 174 thirty per cent of the cost, which cost shall be that cost which the  
 175 federal Environmental Protection Agency uses or would use in making

176 a federal grant, except that where the commissioner has imposed  
177 requirements exceeding the requirements of the federal act and for  
178 which federal grants are not available, the grant shall be thirty per cent  
179 of the actual cost provided the percentage of the cost which is the grant  
180 under this section shall be reduced when federal grants are available  
181 so that the total federal and state grants available to the municipality  
182 shall not exceed ninety per cent of the cost unless the reduction of the  
183 percentage will reduce the amount of the federal grant available in  
184 which case the total grant may exceed ninety per cent in order to  
185 maximize the federal grant; (4) on or after July 1, 1983, the grant to  
186 each municipality shall equal fifty-five per cent of the cost, which cost  
187 shall be that cost which the federal Environmental Protection Agency  
188 uses or would use in making a federal grant, except that where the  
189 commissioner has imposed requirements exceeding the requirements  
190 of the federal act and for which federal grants are not available, the  
191 grant shall be fifty-five per cent of the actual cost provided the  
192 percentage of the cost which is the grant under this section shall be  
193 reduced when federal grants are available so that the total federal and  
194 state grants available to the municipality shall not exceed ninety per  
195 cent of the cost unless the reduction of the percentage will reduce the  
196 amount of the federal grant available in which case the total grant may  
197 exceed ninety per cent in order to maximize the federal grant. To be  
198 eligible for the grant a municipality shall have been on the priority list  
199 for not less than three years and shall have the capability of initiating  
200 construction not more than ninety days after being awarded the grant;  
201 (5) the state grant under this section may be increased so that the total  
202 federal and state grant available to the municipality is equal to one  
203 hundred per cent of the cost of the engineering report provided the  
204 commissioner has required that the report cover regional problems  
205 outside of the corporate limits of the municipality; (6) the state grant  
206 under this section may be increased, in the sole discretion of the  
207 commissioner, so that the total federal and state grant available to the  
208 municipality shall equal one hundred per cent of the cost of facilities  
209 required to remove nutrients which are causing excessive growth of

210 aquatic freshwater plants in the inland waters of the state; (7) on or  
211 after September 30, 1984, the total amount of federal and state grants  
212 available to the municipalities shall be not more than fifty-five per cent  
213 of the cost approved for the planning, design and construction of the  
214 facility, except as otherwise provided in this section and in the  
215 provisions of the federal Water Pollution Control Act concerning  
216 innovative and alternative technology, except that the amount of state  
217 and federal grants shall not be more than seventy-five per cent of the  
218 costs for the planning, design and construction of treatment facilities in  
219 excess of secondary treatment, as defined by the federal Water  
220 Pollution Control Act, required to meet water quality standards and  
221 new facilities required to meet secondary treatment where no previous  
222 secondary treatment existed; (8) the state grant under this section shall  
223 be paid to the municipality in partial payments similar to the time  
224 schedule that such payments are or would be provided to the  
225 municipality by the federal Environmental Protection Agency; (9) no  
226 grant shall be made for a pollution abatement facility unless the  
227 municipality assures the commissioner of the proper and efficient  
228 operation and maintenance of the facility after construction; (10) no  
229 grant shall be made unless the municipality has filed properly  
230 executed forms and applications prescribed by the commissioner; (11)  
231 any municipality receiving state or federal grants for pollution  
232 abatement facilities shall keep separate accounts by project for the  
233 receipt and disposal of such eligible project funds, and (12) no design  
234 grant or advance shall be made under this section or section 22a-443, as  
235 amended by this act, for work initiated after October 1, 1981, unless  
236 local financing for design and construction is authorized. Any funds  
237 advanced to a municipality prior to October 1, 1971, under the  
238 provisions of this section shall be considered a part of the total amount  
239 of the state grant provided for in this section.

240 [(b)] (d) If federal funds for an engineering report for a pollution  
241 abatement facility are not available to a municipality at the time of its  
242 scheduled planning, the commissioner may advance funds to such  
243 municipality in an amount sufficient to pay the cost of the report. Such



244 funds shall be considered a part of the total amount of the state grant  
 245 provided for in this section. Notwithstanding any of the provisions of  
 246 this section to the contrary, twenty-five per cent of the funds advanced  
 247 shall be returned to the state if the report does not recommend the  
 248 construction, rebuilding, expansion or acquisition of a pollution  
 249 abatement facility.

250 [(c)] (e) The Commissioner of Environmental Protection shall adopt  
 251 regulations pursuant to chapter 54 to implement the provisions of this  
 252 section. The regulations shall be consistent with Part 35 of the federal  
 253 Construction Grant Regulations and the federal Water Pollution  
 254 Control Act and shall include, but not be limited to, the establishment  
 255 of a system setting the priority for making grants for municipal  
 256 pollution abatement facilities. The commissioner shall prepare a list by  
 257 priority of projects eligible for funding pursuant to this section. The  
 258 system and list shall be similar to and used with the list required by  
 259 Part 35 of the federal Construction Grant Regulations and the federal  
 260 Water Pollution Control Act.

261 Sec. 9. Section 22a-481 of the general statutes is repealed and the  
 262 following is substituted in lieu thereof (*Effective from passage*):

263 (a) Eligible water quality projects which have received advances for  
 264 planning and design pursuant to subsection [(b)] (d) of section 22a-439,  
 265 as amended by this act, or section 22a-443, as amended by this act,  
 266 shall be eligible for project grants and loans under this program. No  
 267 interest shall be charged on a grant advance prior to the time it is  
 268 converted to a project grant and loan.

269 (b) Contractual obligations of the state to municipalities for grant  
 270 assistance commitments made prior to July 1, 1986, shall be funded  
 271 pursuant to sections 22a-439 to 22a-443, inclusive, as amended by this  
 272 act.

273 Sec. 10. Subsection (a) of section 22a-478 of the general statutes is  
 274 repealed and the following is substituted in lieu thereof (*Effective from*

275 *passage*):

276 (a) The commissioner shall maintain a priority list of eligible water  
 277 quality projects and shall establish a system setting the priority for  
 278 making project grants, grant account loans and project loans. In  
 279 establishing such priority list and ranking system, the commissioner  
 280 shall consider all factors he deems relevant, including but not limited  
 281 to the following: (1) The public health and safety; (2) protection of  
 282 environmental resources; (3) population affected; (4) attainment of  
 283 state water quality goals and standards; (5) consistency with the state  
 284 plan of conservation and development; (6) state and federal  
 285 regulations; and (7) the formation in municipalities of local housing  
 286 partnerships pursuant to the provisions of section 8-336f. The priority  
 287 list of eligible water quality projects shall include a description of each  
 288 project and its purpose, impact, cost and construction schedule, and an  
 289 explanation of the manner in which priorities were established. The  
 290 commissioner shall adopt an interim priority list of eligible water  
 291 quality projects for the purpose of making project grants, grant account  
 292 loans and project loans prior to adoption of final regulations, which  
 293 priority list shall be the priority list currently in effect under subsection  
 294 [(c)] (e) of section 22a-439, as amended by this act.

295 Sec. 11. Section 22a-443 of the general statutes is repealed and the  
 296 following is substituted in lieu thereof (*Effective from passage*):

297 Except as otherwise provided in subsection [(b)] (d) of section 22a-  
 298 439, as amended by this act, if federal funds for contract plans and  
 299 specifications for the construction of a pollution abatement facility are  
 300 not available to the municipality at the time of its scheduled planning,  
 301 the commissioner shall advance to such municipality a sum equal to  
 302 seven per cent of the estimated construction cost, said amount to be  
 303 used by the municipality for the purpose of preparing contract plans  
 304 and specifications; provided any remaining balance of the seven per  
 305 cent advanced under this section shall be applied to the cost of  
 306 construction of the facility. The funds advanced to the municipality

307 under this section shall be considered a part of the total amount of the  
 308 state grant provided for in section 22a-439, as amended by this act.  
 309 Such facility shall be constructed in accordance with a schedule of the  
 310 commissioner and shall be in conformance with an engineering report  
 311 approved by the commissioner. Before approving the engineering  
 312 report required in this section and in section 22a-428, and as may be  
 313 required under section 22a-431, the commissioner shall, among other  
 314 factors, give due regard to whether such report is in conformance with  
 315 his applicable guidelines, whether such report makes adequate  
 316 recommendations concerning all existing and anticipated community  
 317 discharges, whether such report conforms with existing planning  
 318 studies and whether satisfactory considerations have been given to all  
 319 regional problems outlined to the engineer in a prereport conference  
 320 with the commissioner.

321 Sec. 12. Section 22a-902 of the general statutes is repealed and the  
 322 following is substituted in lieu thereof (*Effective from passage*):

323 The Commissioner of Environmental Protection may, within  
 324 available appropriations, participate in an interstate clearinghouse to  
 325 (1) classify chemicals existing in commercial goods into one of the  
 326 following four categories: (A) High concern, (B) moderate concern, (C)  
 327 low concern, or (D) unknown concern; (2) organize and manage  
 328 available data on chemicals, including, but not limited to, information  
 329 on uses, hazards and environmental concerns associated with  
 330 chemicals; (3) produce and inventory information on safer alternatives  
 331 for specific uses of chemicals and model policies and programs related  
 332 to such alternatives; (4) provide technical assistance to businesses and  
 333 consumers relating to safer chemicals; and (5) conduct other activities  
 334 related to this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22-26gg
Sec. 2	<i>from passage</i>	22-26nn(a)

Sec. 3	<i>from passage</i>	22a-27s(b)
Sec. 4	<i>from passage</i>	22a-63(e)
Sec. 5	<i>from passage</i>	22a-133dd
Sec. 6	<i>from passage</i>	22a-174(b)
Sec. 7	<i>from passage</i>	22a-430b(b)
Sec. 8	<i>from passage</i>	22a-439
Sec. 9	<i>from passage</i>	22a-481
Sec. 10	<i>from passage</i>	22a-478(a)
Sec. 11	<i>from passage</i>	22a-443
Sec. 12	<i>from passage</i>	22a-902

***Statement of Purpose:***

To make various technical and grammatical corrections to the environment statutes.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*